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THE ANDHRA PRADESH GAZETTE

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G.560

PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

CHIEF EXECUTIVE OFFICER, A. P. STATE WAQF BOARD

4th FLOOR, IMDADAGHAR, OPP: KALESWARAO MARKET, VIJAYAWADA.

F.No.09 / T / PKM / 2020.

Date: 28-06-2022.

PRAKASAM DISTRICT - JAMIA MASJID AND OLD IDGAH SITUATED AT MARKAPUR (V&M) - SEVERAL APPLICATIONS RECEIVED FOR APPOINTMENT OF MUTAWALLI - Sri MIRZA SAFFAR ALI BAIG, S/o.TAJAMMUL ALI BAIG RECOGNIZED AS MUTAWALLI U/SEC. 42 OF THE WAQF ACT, 1995.

Read : 1. This office proceeding in F.No.B3/12/PKM/03, dated:12-12-2003.

2. Report of Inspector Auditor Waqfs, Prakasam District, vide Lr.No.05/Waqf/PKM/2000, dated:07-01-2020 along with enclosed copy of representation of Sri. Mirza Khaleelullah Baig, Mutawalli of Jamia Masjid and Idgah, Markapuram (V &M), of Prakasam District, dated:25-11-2019.
3. Representation of Sri. Mirza Mohammad Zahoorullah Baig, S/o. late Mirza Khaleelullah Baig, D.No.2-24, Jamiya Masjid Street, Makapuram, Prakasam District, dt:Nil.
4. Representation of Sri. Mirza Safdar Ali Baig, S/o. late Tajammul Ali Baig, D.No.2-24, Jamiya Masjid Street, Makapuram, Prakasam District, dt:17-09-2020 along with consent of Musallies.
5. Representation of Sri. Moghal Farhatullah Baig, S/o. Moghal Yusuf Baig, D.No.2-172, Jamiya Masjid Street, Makapuram, Prakasam District, dt:18-09-2020

6. Representation of Sri. Mirza Mohammad Zahoorullah Baig, S/o. late Mirza Khaleelullah Baig, D.No.2-24,Jamiya Masjid Street, Makapuram, Prakasam District, dt:21-09-2020.
7. This office memo of even No., dated:27-10-2020
8. Representation of Sri. Moghal Farhatullah Baig, S/o. Moghal Yusuf Baig, D.No.2-172, Jamiya Masjid Street, Makapuram, Prakasam District, dated:02-11-2021.
9. This office memo of even No., dated:03-11-2020.
10. Report of Inspector Auditor Waqf, Prakasam District dated:10-03-2022.
11. Representation of Sri. Mirza Safdar Ali Baig, S/o. late Tajammul Ali Baig, Markapur, Prakasam District, dated: Nil received on 09-03-2022.
12. Boards Resolution No.186-A of 2022, dated.22-03-2022
13. Representation of Sri. Moghal Sirajtullah Baig, S/o. Sattar Baig Markapur, Prakasam District, dated: Nil
14. Representation of Shaik Iqbal, s/o. Shaik Ahmed, R/o. Markapuramu Town, Prakasham District, dated.nil received on 28-03-2022.
15. Report of Inspector Auditor Waqfs, Praksham District, vide Lr.No.05/Waqf/PKM/2000, dated.29-03-2022 received on 09-05-2022.
16. U.O. Note of Legal section. vide UO Note No.29/L3/PKM/2022, Dated.09-05-2022.
17. Board's Resolution No.291 of 2022, dated:19-05-2022.
18. Orders of the Hon'ble Chairperson, APSWB, dated.28-06-2022.

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ORDER:

The Waqf institutions namely Jamia mosque and Idgah and its attached property situated at Markapur (V & M), Prakasam District are notified Waqf and got published in A.P. Gazette No.43-A, Part-II, Dated:24-10-1963 at serial No.3192 and 3195 respectively in page Nos. 38 & 39 under the Towliath of Mirza Mahboob Baig, peshimam. The rule of succession to the office of the Mutawalli as per the Survey Commissioner's report is specified as 'Elected'.

In the ref.1st read above, the Board has appointed to Sri.Mirza Khaleelullah Biag as Mutawalli to the subject Waqf institutions and its attached property in place of his deceased brother late Mirza Amanullah Baig.

In the ref. 2nd read above, the I.A. Waqf, Praksam District has itself submitted the report along with representation of Sri. Mirza Khaleelullah Biag, Mutawalli of subject institution that Sri.Mirza Khaleelullah Biag has managed the institution without remarks from any corner, submitting accounts and budget and paying Waqf fund to Board regularly and the Mutawalli is suffering with his old age ailments and in his absence his son Sri. Mirza Mohammad Zahoorullah Baig is looking the day to day affairs of the institution and requested to appoint Sri. Mirza Mohammad Zahoorullah Baig as Mutawalli to the subject institution in place of Mirza Khaleelullah Baig for better management of subject institution.

In the ref. 3rd and 6th read above, Sri. Mirza Zahoorullah Baig has submitted representations to the Board, that his father Sri Mirza Khaleelullah Baig died due to ill health, after that he is managing the affairs of the institution and requested to appoint him as Mutawalli to the subject Waqf institution in place of his father.

In the ref. 4th cited, another representation along with willing of Musallies/ Jamatha received from Sri. Mirza Safdar Ali Baig, S/o. late Tajammul Ali Baig, have stated that jamath/Mussallies of Jamia Masjid are desiring that he shall be appointed as Mutawalli to the subject institutions in place of late Mirza Khaleelullah Baig Saheb for development and better management of subject institution.

In the ref. 5th cited and 8th read above, Sri. Moghal Farhatullah Baig, S/o. Moghal Yusuf Baig, has also submitted representations to the Board and requested to appoint him as Mutawalli to Jamia Masjid, of Markapuram (V & M), Prakasam District.

At this juncture, this office has issued memo to Inspector Auditor Waqf, Prakasam District by enclosing all the petitions with a request to submit detail report along with present status of the institution vide in ref.7th and 9th read above

Accordingly the I.A. Waqf, Prakasam District has submitted his report vide ref.10th read above, that Mirza Zahoorullah Baig S/o Mirza Karimullah Baig has died due to ill health at present nobody is there to looking day to day affairs of institution and instructed to all the tenants not to pay rents to anybody till the orders received from the Board Authorities.

In the ref. 11th read above, Sri. Mirza Sardar Ali Baig has again submitted a representation along with willing of Mussallies/ Jamath with a request to appoint him as Mutawalli to the subject Waqf institution.

The above said facts are placed before the Board meeting held on 22-03-2022 and the Board has passed resolution No. 186-A of 2022, dated.22-03-2022 vide ref.12th read above, wherein it is unanimously resolved to refer the matter to the Towliath Committee for scrutiny and recommendations. It is further resolved to place before the Board along with recommendations of the Towliath Committee for discussion and decision.

In the mean while, a representation has been received from Sri. Moghal Sirajthullah Baig, S/o. Sattar Baig vide ref. 13th read above, wherein he has stated that their elders have assist for the development of subject institution and he requested either to appoint him as Mutawalli or appoint to any family of Moghal Khader Baig due as the post of Mutawalli is vacant in the subject institution. Similar representation has

been received vide ref.14th read above, from Sri.Shaik. Iqbal, S/o. Shaik.Ahamed with a request to appoint him as Mutawalli to the subject institutions.

In the ref.15th read above, a copy of report received from the I.A. Waqf, Prakasham District, wherein he has stated that unfortunately Sri. Mirza Khaleelulla Baig Mutawalli has expired and his son Sri.Mirza Zahurulla Baig also expired due to ill health and at present there are no one taking care to looking day to day affairs of the subject institution and also not paid salaries to the Imam & Mouzzan and other staff and requested to take necessary action in the subject matter.

A U.O. note has been received from Legal section, APSWB vide ref. 16th read above, along with copy of orders disposed by the Hon'ble High Court of AP, dated. 21-04-2022 in WP No. 7819 of 2022 wherein the respondent No.2 (i.e. CEO, APSWB) is therefore directed to take up the matter immediately follow up with the Towliath committee and ensure that a decision is taken on the merits of the matter in accordance with law within the period of two (2) weeks from the date of communication of this order. If there is further delay, the petitioner will always approach this Court.

The above said facts has been placed before 12th Board meeting held on 19-05-2022 and the Board has passed resolution to recognise Sri.Mirza Safdar Ali Baig, S/o. Tajammul Ali Baig as Mutawalli of Jamia Masjid and old Idgah situated at Markapuram (V&M),Prakasam District U/sec.42 of Waqf Act, 1995 vide No.291 of 2022, dated.19-05-2022 ref.17th read above.

Accordingly, Sri.Mirza Safdar Ali Baig, S/o. Tajammul Ali Baig is hereby recognized as Mutawalli to the subject Waqf institution and its attached properties U/sec.42 of Waqf Act, 1995 for managing the affairs of the subject Waqf Institution by following Waqf Act,1995 and Waqf Rules.

The Mutawalli should discharge his legitimate duties strictly as determined in Section 50 of Waqf Act, 1995 read with Rule 20 of A.P. Waqf Rules, 2000 and should follow the instructions issued by the Board from time to time. He should submit the Accounts, Budget, Income & Expenditure statements and pay Waqf fund properly, failing which action will be taken against him U/Sec. 61 and 64 of the Waqf Act, 1995 as the duties mentioned below.

- a) To implement the orders issued by the Board from time to time.
- b) To carry out the directions of the Board
- c) To allow inspection of the Inspector Auditor, Waqfs regarding property, accounts, records, deeds and documents relating thereto.
- d) To discharge all public duties.

- e) To do any other Act which he is Lawfully required to do so or under this Act.
- f) He shall render proper and correct accounts of the Institution and its attached properties and shall not suppress any facts.
- g) That the Mutawalli is restricted to grant lease of Waqf property exceeding one year.
- h) The Mutawalli should follow the Norms fixed in Section 56 of the Waqf Act, 1995 while granting Lease of any agricultural lands. He should follow Lease Rules, 2014 to put open auction through A.P. State Waqf Board.
- i) He will not be entitled to expend the Monies of Waqf exceeding @ 10% of the Net annual Income.

As per Sec.101(2) of Waqf Act, 1995, "Every Mutawalli of a Waqf, every member of managing committee whether constituted by the Board or under any deed of Waqf, every Executive Officer and every person holding any office in a Waqf shall also be deemed to be a public servant within the meaning of Sec.21 of the Indian Penal Code". As such, for the illegal acts if any, every member of the committee will be liable for penal action. The Mutawalli shall also note that Sec.3 (ee) defined encroacher, Sec. 52-A explains rigorous punishment up to (2) years and Sec.61 speaks penalty and punishment up to (6) months for the lapses / charges shown therein, hence should act carefully diligently and maintain accounts scrupulously.

The APSWB reserves its right to modify / cancel / alter / withhold the order at any time without assigning any reasons thereof.

L. ABDUL KHADIR,
Chief Executive Officer (FAC),
A.P. State Waqf Board, Vijayawada.

To

Sri.Mirza Safdar Ali Baig,
S/o.Tajammul Ali Baig,
Mutawalli of Jamia Masjid and old Idgah,
Markapuram (V&M), Prakasam District.

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